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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,349	03/16/2004	Joerg Moisel	3926.076	2086
30448	7590	10/05/2006	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,349

Applicant(s)

MOISEL, JOERG

Examiner

Lee Y Quach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 and 32 is/are allowed.
- 6) ☒ Claim(s) 17-25 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive. Applicant states that the feature that was objected in item 2 on page of the office action of April 13, 2006 is clearly shown in Figure 3 and described on lines 7 to 10 of paragraph 00038 of the specification. This is not found persuasive. Lines 7 to 10 of paragraph 00038 describe that "a coupling is provided at the other radially remote end of the flat elements 5a, in which the flat elements 5a are firmly connected to the surrounding reflector 2". However, there is no coupling provided at the other radially remote end of the flat elements in drawing figure 3 to firmly connect to the surrounding reflector 2. Drawing figure 3 merely shows that the remote end of the flat elements is in contact with the reflector 2. Therefore, objection to the drawing remains and follows. Applicant also states that the cooling element of Siminovitch et al. is not firmly connected to the light source both mechanically and thermally but rather the cooling element only placed in thermal contact with a limited area of the light bulb or comes into contact with the bulb in a temporary manner. This is not found persuasive. It should be noted that the cooling element (7) of Siminovitch et al. is firmly connected to the light source both mechanically and thermally. Note that the spring contact (13) of the cooling member is snapping into contact with the light bulb (column 5, lines 36 to 38 and 49 to 52), the cooling element is therefore firmly connected to the light bulb both mechanically and thermally. It should also be noted that in paragraph 00031 of Applicant's specification, lines 1 to 6 describe that the cooling element (5) which is in the form of a rod is fixed in the transparent lens (3) which means that its position is fixed in the reflector (2) and hence in the headlight, and this thus also means that the position of the light source (4) which is firmly connected to the cooling element (5) both mechanically and thermally. Since the structures of Siminovitch et al. connected in the same manner as described by Applicant's paragraph 00031 such that cooling member (7) of Siminovitch et al. is fixed in the transparent lens (5) which means that its position is fixed in the reflector (2) and this therefore also means that the position of the light source which is firmly connected to the cooling element both mechanically and thermally. Rejection of claims 17 to 25 and 27 to 29 remains and follows.

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Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "two or more flat elements are *mechanically* connected to the reflector" as claimed in claim 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17 to 25 and 27 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siminovitch et al. (prior art previously cited) in view of Holz et al. (prior art previously cited).

Siminovitch et al. disclose a reflector (2) naturally having a focal point and a center axis, a light source (1, compact bulb) in the area of the focal point of the reflector, a transparent lens (5), a metal cooling element (7, column 4, line 25) firmly connected to the light source both mechanically and thermally (column 5, lines 34 to 38, and note also since the structures of Siminovitch et al. connected in the same manner as described by Applicant's paragraph 00031 such that cooling member (7) of Siminovitch et al. is fixed in the transparent lens (5) which means that its position is fixed in the reflector (2) and this therefore also means that the position of the

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light source which is firmly connected to the cooling element both mechanically and thermally), extending from the light source to the lens and fixed to the lens by projecting into the lens or passing through the lens (figures 2, 7, 8, column 5, line 28), the cooling element extending along the center axis of the reflector in the form of a rod (figures 2, 6, 7, 8 ...), the cooling element having one or more such as three essentially flat elements (11) running radially from the center axis, rotationally symmetrically about the center axis in the form of a star, and arranged on the side of the lens facing away from the light source. However, Siminovitch et al. does not disclose that the light source is semiconductor light source emitting infrared radiation.

Holz et al. teach the use of a compact light source such as a semiconductor light source which emits infrared radiation for reducing the damage effect of light on the eyes or the optical nerves to improve safety. It is also known that incandescent, fluorescent and semiconductor light source such as light emitting diode light sources are interchangeable or can be used in combination.

It would have been obvious to one skilled in the art to which the subject matter pertains to use the semiconductor light source in place of the light source of Siminovitch et al. to not only enhance reliability and longevity of the light source but also to reduce power consumption as well as for reducing the damage effect of light on the eyes or the optical nerves, as shown by Holz et al., to improve safety.

With regards to claim 24, since the cooling element (7) is metal or metals and the characteristic of the metal is any of several chemical elements that are usually shiny or lustrous solids, the cooling element is therefore partially or completely mirrored.

With regards to claims 25 and 27, it would have been obvious to one skilled in the art to compose the metal of Siminovitch et al. aluminum, copper, silver, iron or an alloy using such metals and not to have the same color as the reflector, since such a modification would involved a mere change in the material and color of a component. A change in material and color is generally recognized as being within the level of ordinary skill in the art to effectively influence the amount and speed of the heat transfer and conduction as well as the aesthetical design between the element and the reflector to accommodate different applications.

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With regards to claims 28 and 29, the cooling element is considered to be substantially does not projecting beyond the lens since the standard for the requisite degree for "substantially does not projecting beyond the lens" has not been provided.

5. Claims 30 and 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 26 and 32 are allowed.

Conclusion

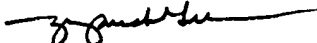
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y.Q.
September 26, 2006


Y Quach Lee
Primary Examiner
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